

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.6020 of 2016

1. Trilochan Prasad Malakar, S/o Shri N.P. Malakar, aged about 49 years, Occupation SI (M) working under the Office of Superintendent of Police, Janjgir (C.G.)
2. Ajay Kumar Shukla, S/o Shri U.S. Shukla, aged about 50 years, Occupation ASI (M) working under the Office of Superintendent of Police, Janjgir (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, through its Secretary, Department of Home and Police Affairs, Secretariat, Mahanadi Bhawan, New Raipur, P.S. and Post Rakhi, District Raipur (C.G.)
2. Director General of Police, Police Head Quarter, Civil Line, P.S. Civil Line, District Raipur (C.G.)
3. Inspector General of Police, Office of the Inspector General of Police, Bilaspur Range, Bilaspur (C.G.)
4. The Secretary (Finance), Mahanadi Bhawan, Mantralay Bhawan, Raipur, District Raipur (C.G.)
5. The Director (Treasury, Audit and Accounts), Raipur, District Raipur (C.G.)
6. The Superintendent of Police, Janjgir-Champa, Tahsil and District Janjgir-Champa.

---- Respondents

For Petitioners: Mr. Badruddin Khan, Advocate.

For State/Respondents: -

Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/11/2016

1. With the consent of parties, the matter is heard finally.
2. Learned counsel for the petitioners submits that the impugned order of recovery has been passed against the petitioners by the

Superintendent of Police, Janjgir without noticing the petitioner and giving opportunity of hearing to them to explain. He further submits that such an order has been passed on the back of the petitioners. He relied upon the judgments of the Supreme Court in the matters of Syed Abdul Qadir and others v. State of Bihar and others¹, Chandi Prasad Uniyal and others v. State of Uttarakhand and others² and Rajasthan State Road Transport Corporation and another v. Bal Mukund Bairwa (2)³.

3. It is well settled that any order passed in violation of the principles of natural justice save and except certain contingencies of cases, would be void and liable to be quashed.
 4. In view of the above, the impugned order is set aside. However, liberty is reserved to the Superintendent of Police, Janjgir to afford opportunity of hearing to the petitioners, if so advised, in accordance with law for recovery of excess amount after noticing the petitioners.
 5. With the aforesaid observation, the petition stands disposed of.
- No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

1 (2009) 3 SCC 475
2 2012 AIR SCW 4742
3 (2009) 4 SCC 299